

REMARKS

By this Amendment, claims 5 and 9 have been amended and claims 1, 7, 8, 10, 14, 16 and 18-24 have been canceled. Accordingly claims 5 and 9 are pending in the application. No new matter has been added.

In the prior Office Action, the Examiner maintained the prior rejection of claims 5, 7 and 9 under 35 U.S.C. §103(a) as being unpatentable over Sugai et al., U.S. Pat. 4,640,723, but indicated that claim 8 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. The Examiner noted that the Declaration Under 37 C.F.R. §1.132 filed on October 10, 2008 demonstrated the criticality of the conditions recited in claim 8.

As noted above, claims 5 and 9 have been amended. Claim 5 is an independent claim that includes all of the limitations previously recited in claim 8. Claim 9 has been rewritten in independent form to include all of the limitations previously recited in claim 8. The difference between claim 5 and claim 9 is when the aging treatment is performed. In claim 5, the aging treatment is performed simultaneously with or subsequent to application of the strain. In claim 9, the aging treatment is performed before the strain is applied to the material. In view of the amendments made to claims 5 and 9 herein, reconsideration of the prior claim rejections is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. KOY-15896.

Respectfully submitted,

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